

## REMARKS

This communication is in response to the Office Action mailed October 5, 2005. Claims 1 – 20 are pending, and Claims 1 – 14 were noted as being allowed. Claims 15 and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Casati et al. (Published application no. 2004/0153329). Claims 16, 17, 19 and 20 were objected to as being dependent on a rejected base claim, but were noted as being allowable if rewritten in independent form.

Specifically, independent Claim 15 was rejected in view of Casati. For reference, Claim 15 is set forth below:

15. A data loader of a processes monitoring system for an information technology (IT) system, wherein the data loader is configured to receive metrics on a host machine from a monitor agent, ***wherein the metrics are described in a data repository according to a hierarchical metric taxonomy that conceptually relates classes of metrics with one another.***

The Office Action rejected this claim by stating that Casati discloses:

1) the IT system and data loader for receiving metrics on a host machine from a monitor agent is met by the business cockpit system(10) which allows users to monitor business metrics or IT metrics (see par. 0018) via ETLoader(56, para. 0045);

2) the data repository is met by the database(14).

However, as shown in bold italics in Claim 15 above, Claim 15 also requires that the metrics are described in the data repository according to a hierarchical metric taxonomy (i.e. classification system) that conceptually relates classes of metrics with one another. The Office Action has failed to address this specific limitation. Moreover, the Casati reference does not teach or suggest any such limitation on its metrics and/or data loader. As such, Claim 15 is not anticipated by Casati, nor is it obvious in view of the cited prior art of record.

Therefore, it is believed that the pending claims are in condition for allowance. If a telephone interview would expedite the prosecution of this case, the Examiner is requested to contact the undersigned attorney at the below listed telephone number.

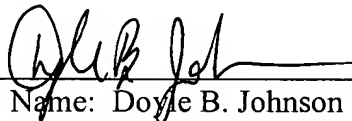
The Commissioner is hereby authorized to charge any fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR §1.78 to Deposit Account No. 50-2603, **referencing Attorney Docket No. 357260.00100. A duplicate sheet is attached.**

Respectfully submitted,

REED SMITH LLP

Dated: November 21, 2005

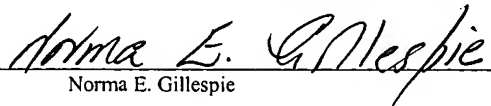
Two Embarcadero Center, Suite 2000  
P.O. Box 7936  
San Francisco, CA 94120-7936  
Direct Dial (415) 659-5911  
(415) 543-8700 Telephone  
(415) 391-8269 Facsimile

By:   
Name: Doyle B. Johnson  
Registration No. 39,240  
Attorneys for Applicants

### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, US Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on November 21, 2005.

Dated: November 21, 2005

  
Norma E. Gillespie